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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

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UNITED STATES OF AMERICA

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CASE NO. 1:19-CR-0073-P-BU

v.

WILLIAM LEE TERRELL

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

This case has been referred by the United States district judge to the undersigned for a hearing and proposed findings of fact and recommendations regarding the competency of Defendant William Lee Terrell to stand trial. The hearing was held on January 9, 2020, and Terrell appeared and was represented by counsel. The Government also appeared through counsel. At the outset of the hearing, the parties submitted to the undersigned a Stipulation in which the parties agreed with the report and conclusions of Angela J. van der Walt, Psy. D., that Terrell is competent to stand trial.

The undersigned United States magistrate judge addressed Terrell personally in open court and determined that Terrell discussed with counsel and understood the effect of the Stipulation before signing it and agreed with the Stipulation. The Government moved for admission of both the van der Walt's report and the Stipulation. There was no objection from Terrell or his counsel and both exhibits were admitted for purposes of the competency hearing but the report was ordered to remain sealed.

After considering the Stipulation of the parties, the evidence admitted at the hearing, and arguments of counsel, the undersigned magistrate judge finds the following:

- a. Defendant William Lee Terrell is mentally competent to stand trial;
- b. Defendant William Lee Terrell has a factual and rational understanding of the charges and proceedings against him and is able to understand the nature and consequences of the proceedings against him;
- c. Defendant William Lee Terrell has sufficient present mental capacity to properly assist his attorney in the preparation of a rational defense and to communicate with his attorney in a rational and logical manner; and
- d. Defendant William Lee Terrell is not now suffering from a mental disease or defect which would interfere with his ability to meet the legal criteria of competency to stand trial, and he is legally competent to stand trial.

Based on the above findings, the undersigned RECOMMENDS that the district judge adjudge Defendant William Lee Terrell mentally competent to stand trial.

A copy of this Findings, Conclusions, and Recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this Findings, Conclusions, and Recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b)(1). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An Objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district

court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n* 79 F.3d 1415, 1417 (5<sup>th</sup> cir. 1996) (en banc).

The Clerk will furnish a copy of this Order to each of attorney of record.

Signed on: January 10, 2020

A handwritten signature in black ink, consisting of a series of loops and a trailing flourish, positioned above a horizontal line.

JOHN R. PARKER  
UNITED STATES MAGISTRATE JUDGE